

The Case for a Comprehensive, Effective, and Realistic Anti-Bullying Policy in North Carolina's Schools

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North Carolinians can be rightly proud of a tradition of excellence in public schools. Yet in one of its most fundamental tasks, our state's education system is failing. Despite a constitutional right to a sound, basic education that is guarded and protected by the state, policies currently in place to protect our children from bullying, harassment, and other forms of violence in schools have proven insufficient and ineffective. Efforts to modify policies at the local level to address this issue have encountered mixed results, though school districts that have adopted clear policies with enumerated protections for the most likely victims have been effective in reducing the number of incidents of bullying and engendering safer environments for their students to learn and succeed.¹ It is within this context, and with a dedication to providing a safe, healthy, and protective environment for every student in our state, that any effort to address these issues honestly and effectively must be undertaken.

In early 2007, a piece of legislation was introduced in the North Carolina legislature with a clear purpose: reducing the incidence of all types of violence within our public education system. HB1366, titled the School Violence Prevention Act, initially enjoyed bipartisan support and sponsorship, was recommended for passage by the House Education and Judiciary I committees, and was passed by the House of Representatives in its original form less than two months after it was introduced. Its passage was hailed as a victory by a coalition of advocates and organizations representing North Carolina's teachers; school social workers and school psychiatrists; disability advocates; lesbian, gay, bisexual, and transgender (LGBT) rights groups; the North Carolina Council of Churches; the Covenant with North Carolina's Children; Parents and Teachers Against Violence in Education; and many others.

Despite this achievement, the North Carolina General Assembly adjourned the 2007-2008 session without completing

the important task of passing HB1366, a deeply unfortunate result of controversy surrounding the bill that reflected neither its true intent nor the realities faced by far too many of the students in our state's public schools. While the failure of the legislature to pass an anti-bullying and school violence bill was celebrated by some conservative advocates, many children in our schools continue to suffer abuse, harassment, and an environment

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of fear and hostility, often too afraid to report acts of violence and unconvinced that any action will be taken if they do speak out. As has been made all too clear in recent years by deadly school shootings throughout the United States, victims of sustained violence in schools are beginning to react in terrible and bloody fashion, resorting to violence not only against their tormentors, but against innocent classmates, teachers, and often themselves. What we have learned from these tragedies must be employed to address all types of school violence in our own state.

In North Carolina, the “Policy for anti-harassment, bullying, and discrimination” was adopted in 2004 by the State Board of Education (SBOE). Like many policies in the United States, it directs each local school board to adopt “policies and procedures to prevent, intervene, investigate, document, and report all

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forms of harassment, bullying, and discrimination.”² The policy also requires each local board of education to adopt policies prohibiting retaliation against those reporting incidents and to report all incidents to the SBOE. The policy does not, however, define bullying, harassment, or discrimination, nor does it enumerate protected categories of students who are most likely to be victims of bullying. Any reasoned analysis of this policy reveals it is incomplete and woefully ineffective. A new, comprehensive policy is needed.

North Carolina’s SBOE policy SS-A-007 is part of the policy priority Healthy Students in Safe, Orderly, and Caring Schools, yet research reveals many students find public school neither safe nor caring. A study of school climate in North Carolina found only one-third of students considered their schools to be very safe, and nearly one half considered bullying and harassment to be somewhat serious or very serious problems in their schools.¹ This is consistent with national-level data, which showed that 55% of 8-11 year-olds and 68% of 12-15 year-olds thought bullying was a major problem in their schools—more so than alcohol, drugs, AIDS, racism, or pressure to have sex.³ The effects of bullying on victims are well-documented: victims are more likely to suffer from anxiety, low self-confidence, and depression in adulthood.⁴ The effects on the bullies themselves are also detrimental: bullies are more likely to drink, smoke, and get poor grades.³ Further, one study found that 60% of children identified as bullies had at least one criminal conviction by the age of 24.⁴ Those who witness bullying are also affected, with many suffering from fear of reprisal should they intervene or report the incident; thus, many students may indirectly encourage the behavior out of this fear.³

Despite the seriousness of the bullying issue, students often find their reports of bullying to be taken less than seriously by too many school staff. A national study found that 66% of bullying victims believed school officials responded poorly to the incidents they witnessed,⁵ and a 2003 study of North Carolina students found that one-quarter of students who reported bullying incidents indicated that school authorities did not take appropriate action.¹ Given this fact, it is not surprising to learn that nearly half of students in North Carolina who were bullied did not report the incident.¹ Among the reasons given for not reporting incidents, students listed fearing they would not be believed and having no confidence that anything would change as a result.⁵

Students who are bullied in schools and feel they cannot rely on their school officials for support develop their own methods of dealing with their situation. One method for avoiding bullying and the related anxiety is to simply avoid school altogether. Studies have found that 160,000 or 10% of students skip school each year to avoid bullying and another 29% had considered doing so.^{3,4} Victims of bullying are also more likely to drop out of school entirely. Additionally, a more extreme and desperate means of escaping bullying is dishearteningly common: victims of bullying are far more likely than their peers to commit suicide.³ According to Dan Olweus, a noted bullying researcher, victims “go through the school years in a state of more or less permanent anxiety and insecurity...it is not surprising that the victims’

devaluation of themselves becomes so overwhelming that they see suicide as the only possible solution.”⁵

While suicide may seem to be the most extreme and tragic consequence of bullying behavior, there is in fact a far more devastating trend. In a study of fatal school shootings, the United States Secret Service National Threat Assessment Center found that nearly 75% of attackers felt persecuted, bullied, or injured by others prior to the attack.⁶ Another study found that two-thirds of school shooting perpetrators were long-time victims of bullying, persecution, and violence by peers. This includes the perpetrators of the Columbine school massacre in which 15 people died, including the students who carried out the attack.⁷ Additionally, Seung-Hui Cho, the perpetrator of the 2007 Virginia Tech massacre in which 33 people died, was reportedly bullied and harassed in high school.⁷ These tragedies represent the most extreme and deadly kind of school violence and were caused in part by another kind of school violence, one that is preventable and unacceptable.

One of the central realities that must be addressed honestly and directly when confronting the issue of violence in schools is this: some students are more likely than their peers to be targeted. Though all cases of bullying and harassment are individual and all acts of schools violence are equally unacceptable, research indicates characteristics that distinguish certain students, whether real or perceived, are indicators of a heightened risk for bullying, harassment, and more extreme forms of violence. Unfortunately, some of the characteristics that distinguish potential victims of school violence also distinguish groups that are discriminated against in society at large, making efforts to provide responsive protections more difficult. One of the most vulnerable groups is lesbian, gay, bisexual, and transgendered (LGBT) students, who are five times more likely than their peers to miss school due to fear of bullying and four times more likely to be threatened with a weapon at school.³ One in three LGBT students will be physically harassed because of their sexual orientation or gender expression, and one in six will be beaten to the point of requiring medical attention.³ LGBT students in North Carolina are subject to frequent homophobic remarks by both peers and school officials, yet 33% of students report school staff rarely or never intervene when hearing these remarks, and 43% report fellow students rarely or never intervene.¹

This atmosphere reflects an attitude that homophobic remarks are not considered bullying but instead an expression of free speech. The Family Research Council, an extremely conservative Christian advocacy group, has campaigned against any policy giving specific protection to LGBT students, claiming such policies promote homosexuality, which it considers to be a “voluntary... changeable, and... harmful” lifestyle choice.³ Indeed, some extreme groups have warned that such legislation “might lead to homosexual sensitivity training in schools.”³ In North Carolina, these marginal groups erroneously warned passage of HB1366 would represent an affirmation of homosexuality as acceptable and give LGBT students special rights that their peers do not enjoy—this despite language in the bill that strictly prohibits any special preference or legal priority for any group. That an attempt to equalize protections

for all children would be attacked as unfair, that making schools safe for all students could somehow be characterized as privilege, and that opponents could ironically champion the cause of equality while singling out a group of children as one less deserving of our protection is not only an example of the illogical arguments made against this legislation, it is a window into the underlying prejudices that were at work in this debate and in the mistreatment of the students the bill sought to protect. The fact that such vociferous opposition to inclusion of perceived or actual LGBT students in the ambit of the anti-bullying policy existed from ideological extremists opposed to its passage in itself made the case for the necessity of their inclusion in the enumerated policy better than any argument supporters could have articulated.

The central question in the debate over this bill became why a simple policy forbidding bullying in all cases is insufficient, and the answer can be found in the 24 North Carolina school districts from the mountains to the coast that have an enumerated policy in place. Students in these schools report feeling safer in school, being less likely to be bullied, and believing bullying incidents were more likely to be taken seriously by significant margins.¹ These are the uncontradicted facts, which cannot be denied by any individual or group. HB1366 is neither a special-rights bill nor the tip of a culture-war spear that many opponents fear. It is a representation of our obligation to protect all children, regardless of race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, physical appearance, mental, physical, or sensory disability, or association with a person who has or is perceived to have one

or more of these characteristics. HB1366 is a compilation of the most effective polices in place in our state, and indeed our nation, a tool to empower those whose are victimized, and a clear policy that allows for equitable and consistent enforcement.

The educational system, at its best, strives to provide all children in its care with a refuge of safety and stability, and for many children it may be the only environment in their lives that can consistently provide these. If we can accept that no child should be subject to bullying or harassment, if we accept the reality that some students continue to face unrelenting harassment and physical and emotional abuse despite general policies prohibiting such behavior, we have no choice but to act. If we understand some students will be more likely victims and enforcement of our state's disparate and inequitable local policies have not proven effective, we must seek alternatives that demonstrate efficacy, equality, and empowerment for all of our students, regardless of the prejudices at work against them. If we fail to do this and even one of our students continues to be needlessly endangered, we forfeit the right to consider ourselves leaders. Sadly, the harshly prejudicial arguments of a narrow ideological group and political fear in an election year defeated this bill last session, but the legislation will be vigorously pursued for the sake of so many vulnerable children of this state again this legislative session—and I am confident it will be met with a more reasoned, compassionate, and successful result. **NCMJ**

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